

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

GARY L. MCCOY,

Plaintiff,

Case No. 3:17-cv-432

vs.

DR. RODNEY L. CARLSON, *et al.*,

Defendants.

District Judge Thomas M. Rose

Magistrate Judge Michael J. Newman

**ORDER AND ENTRY: (1) ADOPTING THE REPORT AND RECOMMENDATION OF
THE MAGISTRATE JUDGE (DOC. 87); AND (2) DENYING DEFENDANTS'
MOTIONS TO DISMISS THE SECOND AMENDED COMPLAINT (DOCS. 61, 65, 67)
AS MOOT**

The Court has reviewed the Report and Recommendation of Magistrate Judge Michael J. Newman (Doc. 38), to whom this case was referred pursuant to 28 U.S.C. § 636(b). The parties have not filed objections to the Report and Recommendation and the time for filing such objections under Fed. R. Civ. P. 72(b) has expired. Accordingly, it is hereby **ORDERED** that: (1) the Report and Recommendation (Doc. 87) is **ADOPTED** in full; and (2) Defendants' motions to dismiss the second amended complaint (Docs. 61, 65, 67) are **DENIED AS MOOT**.

IT IS SO ORDERED.

Date: May 16, 2019

*s/Thomas M. Rose

Thomas M. Rose

United States District Judge